

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRANK SENIOR, on behalf of himself and all  
other persons similarly situated,

Plaintiff,

v.

NAKED AND THRIVING INC.,

Defendant.

25 Civ. 1399 (DEH)

**ORDER**

DALE E. HO, United States District Judge:

To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby **ORDERED** that the parties must discuss whether they are willing to consent under 28 U.S.C. § 636(c) to conduct all further proceedings before the assigned Magistrate Judge.

If both parties consent to proceed before the Magistrate Judge, counsel for Defendant must, **within two weeks of the date on which Defendant enters an appearance**, file on ECF a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this order (and also available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>). If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before the undersigned. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit, as it would be if the consent form were not signed and so ordered.

If either party does not consent to conducting all further proceedings before the assigned Magistrate Judge, the parties must, **within two weeks of the date on which Defendant enters an appearance**, file a joint letter advising the Court that the parties do not consent, but without

disclosing the identity of the party or parties who do not consent. The parties are free to withhold consent without negative consequences.

SO ORDERED.

Dated: February 21, 2025  
New York, New York



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DALE E. HO  
United States District Judge

# UNITED STATES DISTRICT COURT

for the

<i>Plaintiff</i>	)	
v.	)	
<i>Defendant</i>	)	Civil Action No.
	)	

## NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Printed names of parties and attorneys</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>

## Reference Order

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.